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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 11-00553 (EJD)
12)
Plaintiff,) STIPULATION AND [~~PROPOSED~~]
13 vs.) ORDER CONTINUING HEARING DATE
14)
EDUARDO OSORIO,)
15 Defendant.)
16 _____)

17 **STIPULATION**

18 Defendant Eduardo Osorio, by and through Assistant Federal Public Defender Heather R.
19 Rogers, and the United States, by and through Assistant United States Attorney Joseph A.
20 Fazioli, hereby stipulate that, with the Court's approval, the status hearing currently set for
21 March 5, 2012, at 1:30 p.m., before the Honorable Edward J. Davila, shall be continued to April
22 2, 2012, at 1:30 p.m.

23 The reason for the requested continuance is that defense counsel needs more time to
24 effectively prepare this case. Specifically, the parties are actively involved in settlement
25 discussions that require a careful analysis of discovery and additional criminal history
26 investigation. Mr. Fazioli expects to be engaged in a trial through the end of March, 2012. Thus,

1 the request is also made on the grounds that a continuance ensures continuity of counsel. The
2 parties therefore respectfully request a continuance to April 2, 2012, at 1:30 p.m.

3 The parties agree that the time between March 5, 2012, and April 2, 2012, may be
4 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective
5 preparation of counsel.

6
7 Dated: February 23, 2012

8 /s/
HEATHER ROGERS
Assistant Federal Public Defender

9
10 Dated: February 23, 2012

11 /s/
JOSEPH A. FAZIOLI
Assistant United States Attorney

12
13 ~~PROPOSED~~ ORDER

14 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
15 ORDERED that the hearing currently set for March 5, 2012, at 1:30 p.m., before the Edward J.
16 Davila, shall be continued to April 2, 2012, at 1:30 p.m.

17 THE COURT FINDS that failing to exclude the time between March 5, 2012, and April
18 2, 2012, would unreasonably deny counsel for the defendant reasonable time necessary for
19 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§
20 3161(h)(7)(B)(iv).


21 THE COURT FINDS that the ends of justice served by excluding the time between
22 March 5, 2012, and April 2, 2012, from computation under the Speedy Trial Act outweigh the
23 interests of the public and the defendant in a speedy trial.

24 //

1 THEREFORE, IT IS HEREBY ORDERED that the time between March 5, 2012, and
2 April 2, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
3 3161(h)(7)(A) and (B)(iv).

4 IT IS SO ORDERED.

5 Dated: February 23, 2012



HON. EDWARD J. DAVILA
United States District Judge